

LSK&D #: 643-0072 / 4846-1576-7891

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Attorneys for Defendants

MICHAEL S. FISHER s/h/a MICHAEL S. FISSHER

and BARR NUNN TRANSPORT, INC., s/h/a BARR

NUNN TRANSPORT

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
PATRICK BIONDO

Plaintiff,

Docket No.:

vs.

NOTICE OF REMOVAL

MICHAEL S. FISSHER, BARR NUNN
TRANSPORT, "JOHN DOES 1-5", and "ABC
COMPANIES 1-5", (all being fictitious
designations),

Defendants.
-----X

TO:

Jae Lee Law, P.C.

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Defendants allege as follows for their notice of removal:

1. On or about June 19, 2017, plaintiff Patrick Biondo filed a complaint,

Exhibit A hereto, in a civil action for money damages in New Jersey Superior Court,

Bergen County, under docket no. L-4230-17.

2. Defendants served an answer to the complaint on July 28, 2017, **Exhibit B.**

3. This action is removable to this court under 28 U.S.C. §1441, in that the amount in controversy exceeds the sum of seventy five thousand dollars (\$75,000.00), exclusive of interest and costs, the citizenship of the parties is completely diverse, no defendant is a citizen of New Jersey, and this notice is filed within 30 days of defendants' receiving a response to their Demand for Statement of Damages.

4. Plaintiff was and is a citizen of the State of New Jersey when this action was commenced and, upon information and belief, at the filing of this notice.

5. Defendant Barr Nunn Transport is an Iowa Corporation having its principal place of business in Iowa.

6. Defendant Michael S. Fisher is a resident of Georgia.

7. The allegations above as to defendants' citizenship were true when the action was commenced and are true when this notice is filed.

8. Neither the Summons nor the Complaint states the amount plaintiff demands as damages. Plaintiff responded to defendants' Demand for Statement of Damages on or about October 18, 2017, showing that plaintiff's demand is in the amount of \$1,000,000, whereupon the action became removable. The response to Demand for a Statement of Damages is annexed as Exhibit C. This notice is filed within thirty days of receipt of the plaintiff's response to Demand for Statement of Damages.

WHEREFORE, Defendants, Barr Nunn Transport and Michael S. Fisher, pray that this action now pending against them in the Superior Court of the State of New Jersey, Bergen County, be removed therefrom to this Court.

LESTER SCHWAB KATZ & DWYER, LLP
Attorneys for Defendants
MICHAEL S. FISHER s/h/a MICHAEL S.
FISSHER and BARR NUNN TRANSPORT, INC.,
s/h/a BARR NUNN TRANSPORT

By: s/Allyson B. Belmont
Allyson B. Belmont